OCT 13 1905

JAMES H. McKENNEY,
Clerk

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

DANIEL RED BIRD *et al.*
vs.
THE UNITED STATES. } No. 125

CHEROKEE NATION
vs.
THE UNITED STATES. } No. 126

FRANCIS B. FITE *et al.*
vs.
THE UNITED STATES. } No. 127

PERSONS CLAIMING RIGHTS IN THE CHEROKEE NATION
vs.
THE UNITED STATES. } No. 128

MOTION TO ADVANCE.

WM. T. HUTCHINGS,
Attorney for Certain Appellants.

PRESS OF BYRON S. ADAMS

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

DANIEL RED BIRD *et al.* *vs.* THE UNITED STATES.	No. 419.
CHEROKEE NATION *vs.* THE UNITED STATES.	No. 420.
FRANCIS B. FITE *et al.* *vs.* THE UNITED STATES.	No. 421.
PERSONS CLAIMING RIGHTS IN THE CHEROKEE NATION *vs.* THE UNITED STATES.	No. 422.

Motion to Advance.

Come now the undersigned, Attorney of Record for various appellants in the above entitled cases, and respectfully moves the Court to advance said cases on the docket, and to assign them for a hearing at as early a date as the convenience of the Court will permit, with direction that all of said cases be heard at the same time.

Statement of the Case.

These four cases have been brought to this Court by appeals from the Court of Claims, in which Court they constituted one case, which was entitled as follows, to wit:

> "In the matter of enrollment of persons claiming rights in the Cherokee Nation by Intermarriage, against the United States, Departmental numbered 76."

They involve the claim of between two and three thousand white persons, who have intermarried with Cherokee citizens, to participate in the distribution of the lands and funds of the Cherokee people, which lands are now being allotted under various Acts of Congress to parties entitled thereto.

The property of the Cherokee people consists of millions of acres of land and large amounts of invested funds, and as this vast estate is in process of distribution, it is necessary to know whether the white persons who are claimants in these cases are to have a share of this property.

The question was first raised before the Secretary of the Interior, who referred the case to the Court of Claims, under the provisions of the Act of Congress, entitled:

> "An Act to afford assistance and relief to Congress and the Executive Departments, in the investigation of claims and demands against the Government." Approved March 3, 1883. (22 Stat., 485.)

By Act of Congress of March 3, 1905 (33 Stat. Pt. 1, p. 1048), entitled:

> "An Act making appropriations for the current and contingent expenses of the Indian Department, et cet., for the year ending June 30, 1906,"

(p. 1071), it was provided:

> "That in the case entitled 'In the matter of enrollment of persons claiming rights in the Cherokee Nation

by intermarriage against The United States, Departmental, Numbered Seventy-six,' now pending in the Court of Claims, the said Court is hereby authorized and empowered to render final judgment in said case, and either party feeling itself aggrieved by said judgment shall have the right of appeal to the Supreme Court of the United States within thirty days from the filing of said judgment in the Court of Claims. And the said Supreme Court of the United States shall advance said case on its calendar for early hearing."

A final determination of the claim of these several thousand intermarried white persons to share in the property of the Cherokee Indians, is essential in order to enable the Commission to the Five Civilized Tribes to proceed with the allotment of the lands of the Cherokee people, as required by Act of Congress. For this reason, it is a matter of importance to the business of the Government, that these cases should be advanced for argument at an early day.

WM. T. HUTCHINGS,
Attorney for Certain Appellants.